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REGISTER OF ACTIONS

CASE No. 17CV44670

Benjamin Barber vs Pat Garrett

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Case Type: Post Conviction Relief
Date Filed: 10/12/2017
Location: Washington

RELATED CASE INFORMATION

Related Cases

16CR46339 (Post Conviction Relief)

PARTY INFORMATION

Defendant	Garrett, Pat 215 SW Adams MS 32 Hillsboro, OR 97123	Male White DOB: 1985 5' 10", 165 lbs	Attorneys RAYNEY MEISEL <i>Retained</i> 503 846-8671 x8315(W) MATTHEW ROBERT LEHMAN <i>Retained</i> 503-846-8671(W)
Petitioner	Barber, Benjamin <i>A/so Known As</i> Barber, Benjamin Jay Booking #19-03313 215 SW Adams MS35 Hillsboro, OR 97123-3874 SID: OR17474177	Male White DOB: 1985 5' 10", 165 lbs	NOEL GREFENSON <i>Court Appointed</i> 503 371-1700(W) Pro Se JON H WEINER <i>Court Appointed</i> 503-399-7001(W) TARA J HERIVEL <i>Retained</i> 503-893-5525(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
10/24/2017	Judgment - Limited Creates Lien (Judicial Officer: Erwin, Andrew R) Monetary Award (Unsatisfied, 10/24/2017) Signed Date: 10/24/2017 Expiration Date: 10/24/2027 Monetary Award: Creditor: State of Oregon, Debtor: Benjamin Jay Barber, Unsatisfied, Award Type: Judgment Fees, Amount: \$265.00, Rate: 9.00% Total: \$265 Comments: deferred filing fees Created: 10/24/2017 12:08 PM
11/19/2018	Amended Judgment - General Dismissal (Judicial Officer: Butterfield, Eric E) Reason: Court Order Comment (**VACATED**State's motion to dismiss granted) Created: 11/19/2018 2:48 PM 03/19/2018 Judgment - General Dismissal (Judicial Officer: Butterfield, Eric E) Comment (State's motion to dismiss granted) Created: 03/19/2018 4:35 PM
10/12/2017	OTHER EVENTS AND HEARINGS
10/12/2017	<u>Petition</u> Created: 10/12/2017 1:34 PM
10/12/2017	<u>Application - Fee Deferral Waiver</u> Created: 10/12/2017 1:34 PM
10/12/2017	<u>Motion</u> <i>for copy of trial records</i> Created: 10/12/2017 1:34 PM
10/12/2017	<u>Certificate</u> <i>of service to DA office</i> Created: 10/12/2017 1:43 PM
10/12/2017	<u>Order - Appointing Counsel</u> (Judicial Officer: Erwin, Andrew R) Attorney: Oregon Post Conviction Consortium LLC. Signed: 10/12/2017 Created: 10/19/2017 1:02 PM

10/24/2017 [Digitized Judgment Document](#) (Judicial Officer: Erwin, Andrew R)
 deferred fees owing
 Signed Date: 10/18/2017
 Created: 10/24/2017 12:11 PM

10/24/2017 [Notice - Judgment Entry](#)
 Created: 10/24/2017 12:11 PM

10/24/2017 [Order](#) (Judicial Officer: Erwin, Andrew R)
 setting filing deadlines
 Signed: 10/24/2017
 Created: 10/24/2017 4:49 PM

11/13/2017 [Motion](#)
 to suspend local rule or appoint ptf as co-counsel
 Created: 11/13/2017 5:06 PM

11/13/2017 [Subpoena - Duces Tecum](#)
 to Marie Atwood
 Created: 11/13/2017 5:06 PM

11/13/2017 [Subpoena - Duces Tecum](#)
 to United States Copyright Office
 Created: 11/13/2017 5:06 PM

11/13/2017 [Subpoena - Duces Tecum](#)
 to Melanie Kebler
 Created: 11/13/2017 5:06 PM

11/15/2017 [Order - Denial](#) (Judicial Officer: Erwin, Andrew R)
 mot to suspend local rule (sent e-notice in error on 2-12-18)
 Signed: 11/15/2017
 Created: 11/20/2017 5:01 PM

01/31/2018 [Motion - Attorney Withdrawal](#)
 Created: 02/02/2018 8:12 AM

02/08/2018 [Motion - Time Extension](#)
 Created: 02/09/2018 8:23 AM

02/13/2018 [Motion - Dismissal](#)
 Created: 02/14/2018 9:48 AM

02/13/2018 [Memorandum - Support Motion](#)
 For jgmt of dismissal
 Created: 02/14/2018 9:48 AM

02/22/2018 [Order](#) (Judicial Officer: Erwin, Andrew R)
 ext time to file formal petition thru 4-10-18
 Signed: 02/20/2018
 Created: 02/22/2018 4:19 PM

03/07/2018 [Notice](#)
 Church v Gladden
 Created: 03/07/2018 3:05 PM

03/19/2018 [Hearing](#) (1:30 PM) (Judicial Officer Butterfield, Eric E)
 Motion to Withdraw and State's Motion to Dismiss
Result: Held
 Created: 02/14/2018 12:41 PM

03/19/2018 [Digitized Judgment Document](#) (Judicial Officer: Butterfield, Eric E)
 ****VACATED****dismiss w/state's motion
 Signed Date: 03/19/2018
 Created: 03/19/2018 4:48 PM

03/19/2018 [Notice - Judgment Entry](#)
 Created: 03/19/2018 4:48 PM

03/19/2018 [Closed](#)
 Created: 03/19/2018 4:48 PM

04/11/2018 [Notice - Appeal](#)
 A167498 (3/19/18 Judgment)
 Created: 04/11/2018 9:23 AM

04/12/2018 [Notice](#)
 Created: 04/12/2018 9:44 AM

04/12/2018 [Motion](#)
 to arrest judgment or correct the record
 Created: 04/12/2018 9:44 AM

04/12/2018 [Memorandum - Support Motion](#)
 to arrest judgment
 Created: 04/12/2018 9:44 AM

04/17/2018 [Order - Appointing Counsel](#) (Judicial Officer: Hadlock, Erika L)
 and Authorization for Transcript at State Expense for Appeal
 Signed: 04/17/2018
 Created: 04/17/2018 11:32 AM

04/17/2018 [Notice](#)
 Transcript Notification for Appeal A167498
 Created: 04/17/2018 11:32 AM

04/25/2018 [Certificate](#)
 of Preparation and Service of Transcript(s) for Electronic Filing at Court of Appeals
 Created: 04/25/2018 9:47 AM

05/21/2018 [Certificate](#)
 of Electronic Filing of Transcript(s) at Court of Appeals by: Sue Beal
 Created: 05/21/2018 9:25 AM

05/21/2018 [Notice](#)
 Electronic Copy of Court File Uploaded to COA; No Exhibits for this Case A167498
 Created: 05/21/2018 1:40 PM

08/13/2018 [Motion - Relief from Judgment](#)
 Created: 08/14/2018 9:52 AM

10/01/2018 [Notice](#)
 Regarding Appeal Abeyance
 Created: 10/02/2018 9:45 AM

10/12/2018	<u>Notice</u> <i>to court</i> Created: 10/12/2018 3:41 PM
11/09/2018	<u>Order - Set Aside Judgment (Post-Disposition)</u> (Judicial Officer: Butterfield, Eric E) <i>& remove atty Weiner</i> Signed: 11/09/2018 Created: 11/19/2018 2:36 PM
11/19/2018	<u>Motion</u> <i>remove to Federal Court</i> Created: 11/19/2018 2:53 PM
12/05/2018	<u>Order - Denial</u> (Judicial Officer: Erwin, Andrew R) <i>not to remove to Federal Court</i> Signed: 12/05/2018 Created: 12/13/2018 11:43 AM
12/19/2018	<u>Return - Mail</u> Created: 12/19/2018 10:37 AM
12/27/2018	<u>Notice - Representation</u> Created: 12/28/2018 8:11 AM
01/30/2019	<u>Order</u> (Judicial Officer: Nass, James W) <i>A167498 - COA dismissed appeal as moot</i> Signed: 12/24/2018 Created: 01/30/2019 3:28 PM
02/15/2019	<u>Filing Copy - Dismiss on Appeal (Post-Disposition)</u> <i>A167498 - appeal is moot</i> Created: 02/15/2019 9:38 AM
02/19/2019	<u>Motion</u> <i>to set scheduling deadlines</i> Created: 02/20/2019 1:31 PM
02/19/2019	<u>Declaration</u> Created: 02/20/2019 1:31 PM
02/26/2019	<u>Order</u> (Judicial Officer: Butterfield, Eric E) <i>scheduling deadlines</i> Signed: 02/22/2019 Created: 02/26/2019 9:47 AM
04/18/2019	<u>Motion - Time Extension</u> Created: 04/18/2019 11:56 AM
04/18/2019	<u>Declaration</u> <i>sup mot ext time</i> Created: 04/18/2019 11:56 AM
04/24/2019	<u>Order</u> (Judicial Officer: Butterfield, Eric E) <i>ext time to file amended petition 6-18-19</i> Signed: 04/24/2019 Created: 04/26/2019 1:05 PM
05/10/2019	<u>Notice</u> <i>of intent to proceed on original petition</i> Created: 05/13/2019 11:37 AM
05/23/2019	<u>Motion - Attorney Withdrawal</u> Created: 05/24/2019 9:14 AM
05/23/2019	<u>Declaration</u> <i>sup mot w/draw atty</i> Created: 05/24/2019 9:14 AM
05/23/2019	<u>Order</u> (Judicial Officer: Butterfield, Eric E) Signed: 05/24/2019 Created: 05/31/2019 9:05 AM
05/24/2019	<u>Order - Withdrawal of Attorney</u> (Judicial Officer: Butterfield, Eric E) Signed: 05/24/2019 Created: 05/30/2019 1:28 PM
06/07/2019	<u>Motion</u> <i>to instruct counsel part I, II, III</i> Created: 06/12/2019 4:12 PM
06/12/2019	<u>Petition - Amended</u> Created: 06/12/2019 4:56 PM
06/12/2019	<u>Motion</u> <i>recuse Judge Butterfield</i> Created: 06/18/2019 4:14 PM
06/12/2019	<u>Motion - Strike</u> <i>notice to proceed on original petition; leave to file amend petition</i> Created: 06/18/2019 4:14 PM
06/12/2019	<u>Motion - Time Extension</u> Created: 06/18/2019 4:14 PM
06/12/2019	<u>Motion</u> <i>instruct counsel part II and part III</i> Created: 06/18/2019 4:14 PM
06/20/2019	<u>Motion - Appoint Counsel</u> Created: 06/20/2019 1:10 PM
06/25/2019	<u>Order - Denial</u> (Judicial Officer: Butterfield, Eric E) <i>MOTION FOR APPOINTMENT OF COUNSEL</i> Signed: 06/25/2019 Created: 06/26/2019 3:58 PM
07/12/2019	<u>Motion</u> <i>to compel</i> Created: 07/12/2019 11:29 AM
08/01/2019	<u>Certificate</u> <i>of service of amended petition</i> Created: 08/01/2019 9:01 AM

08/12/2019 Motion - Compel Discovery
 Created: 08/12/2019 4:14 PM
Application - Fee Deferral Waiver - Confidential - Not for public
 Created: 08/12/2019 4:15 PM
Order - Fee Waiver (Judicial Officer: Authority, Administrative)
 \$105 MRJ1
 Signed: 08/12/2019
 Created: 08/12/2019 4:15 PM
 08/12/2019 Motion - Summary Judgment
 Created: 08/12/2019 4:15 PM
 08/13/2019 Motion - Dismissal
 Created: 08/13/2019 9:07 AM
 08/16/2019 Hearing - Status Check (9:00 AM) (Judicial Officer Butterfield, Eric E)
08/16/2019 Reset by Court to 08/16/2019
 Result: Held
 Created: 08/01/2019 2:06 PM
Order (Judicial Officer: Butterfield, Eric E)
cont to 9-20-19
 Signed: 08/16/2019
 Created: 08/16/2019 9:39 AM
 08/19/2019 Order - Appointing Counsel (Judicial Officer: Butterfield, Eric E)
 Attorney: Noel Grefenson
 Signed: 08/19/2019
 Created: 08/20/2019 8:12 AM
 08/20/2019 Motion
amend judgment
 Created: 08/20/2019 9:28 AM
 08/20/2019 Notice
excerpt of record; in support of mot to amend judgment
 Created: 08/20/2019 9:28 AM
 08/20/2019 Subpoena - Duces Tecum
 Created: 08/20/2019 9:28 AM
 08/20/2019 Notice - Representation
 Created: 08/20/2019 1:19 PM
 08/22/2019 Motion - Appoint Counsel
"stand by counsel"
 Created: 08/22/2019 10:07 AM
 08/22/2019 Motion
compel respondent to make more definite & certain
 Created: 08/22/2019 10:07 AM
Memorandum - Support Motion
for sum jgm
 Created: 08/22/2019 10:07 AM
 08/22/2019 Motion
compel interrogatories re: service of documents
 Created: 08/22/2019 10:07 AM
 08/22/2019 Motion
compel clerk of court to provide documents to petitioner
 Created: 08/22/2019 10:07 AM
 08/22/2019 Certificate
of service of multiple documents
 Created: 08/22/2019 10:07 AM
 08/30/2019 Affidavit
attachments to petition; affidavits in support of mot for sum jgm
 Created: 08/30/2019 3:36 PM
 09/05/2019 Motion
to instruct or replace counsel
 Created: 09/05/2019 12:01 PM
 09/05/2019 Motion
set hearing for sum jgm
 Created: 09/05/2019 12:01 PM
 09/05/2019 Motion - Default Order
 Created: 09/05/2019 12:01 PM
 09/05/2019 Response
to respondent mot dismiss
 Created: 09/05/2019 12:01 PM
 09/18/2019 Memorandum - At Law
sup mot sum jgm
 Created: 09/18/2019 2:32 PM
 09/19/2019 Response
to mot dismiss
 Created: 09/20/2019 8:56 AM
 09/20/2019 Hearing - Status Check (1:00 PM) (Judicial Officer Butterfield, Eric E)
Def's Mtn to Dismiss
 Result: Held
 Created: 08/16/2019 9:39 AM
 09/20/2019 Order (Judicial Officer: Butterfield, Eric E)
from status check hearing
 Signed: 09/20/2019
 Created: 09/25/2019 1:24 PM
Order (Judicial Officer: Butterfield, Eric E) - Envelope #2 only 180 pages
***DENIED**mot to file under seal*
 Signed: 09/20/2019
 Created: 09/23/2019 12:57 PM

02/21/2020 | **Hearing - Status Check** (8:59 AM) (Judicial Officer Butterfield, Eric E)
status of pleadings/motions
Created: 09/25/2019 1:36 PM

FINANCIAL INFORMATION

	Petitioner Barber, Benjamin	
	Total Financial Assessment	370.00
	Total Payments and Credits	105.00
	Balance Due as of 10/07/2019	265.00
10/12/2017	Transaction Assessment	265.00
08/13/2019	Transaction Assessment	105.00
08/13/2019	Waiver	(105.00)